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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Eduardo Gonzalez-Gallegos,

10 Plaintiff,

11 v.

12 Department of Justice, et al.,

13 Defendants.
14

No. CV-17-00421-TUC-RCC

ORDER

15 Pending before the Court is Plaintiff Eduardo Gonzalez-Gallegos' Request for the
16 Court to Recommend or Otherwise Direct that the Court's July 7, 2020 Order (Doc. 77)
17 be Published in the Federal Supplement. (Doc. 80.) Plaintiff believes this Order would be
18 beneficial to other litigants since it addresses whether the Deputy Attorney General of the
19 United States Attorneys' Office can be considered a Head of Agency under the Federal
20 Records Act (FRA) and whether the Administrative Procedures Act allows for
21 jurisdiction over provisions of the FRA. (*Id.*) He asserts these issues are of first
22 impression for the District of Arizona and the Ninth Circuit. (*Id.*)

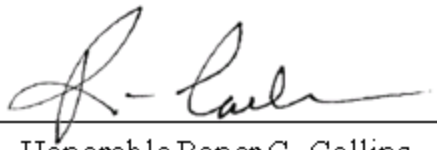
23 Within the district courts, whether an opinion is published or unpublished is of no
24 matter, as this opinion holds no precedential value to other district court cases and applies
25 only to the case at hand. However, Plaintiff appears to want the Court's Order
26 "published" for its persuasive value. "A published opinion is one that appears in the
27 ordinary West Federal Reporter series (not including West's Federal Appendix) or as a
28 recent opinion intended to be so published." *Doe v. Doe*, 52 P.3d 255, 269 (Haw. 2002);

1 *Cont'l W. Ins. Co. v. Costco Wholesale Corp.*, No. C10-1987 RAJ, 2011 WL 3583226, at
2 *2 (W.D. Wash. Aug. 15, 2011) (“[J]udges . . . often use the term [‘published’] to
3 distinguish between cases published in one of the West Publishing Company’s (West’s)
4 official reporters and those that are not.”) (quotation marks omitted). “[T]he vast majority
5 of district court judges exercise little or no control over which cases become ‘published’
6 in West’s official reporters. Although judges may request the publication of a particular
7 order, West need not grant the request.” *Cont’l W. Ins. Co.*, 2011 WL 3583226, at *3.
8 Moreover, in general “a federal court has neither the power to render advisory opinions
9 nor to decide questions that cannot affect the rights of litigants in the case before them.”
10 *Preiser v. Newkirk*, 422 U.S. 395, 401 (1975) (quotation marks and citations omitted).

11 Because any order requesting publication would be advisory, the Court does not
12 have the power to issue such an order. However, the Court recognizes that its previous
13 opinion may be persuasive in similar cases. While the Court makes no promises and
14 issues no direct orders, it will submit a recommendation to West that the July 7, 2020
15 Order (Doc. 77) be published.

16 Accordingly, IT IS ORDERED Plaintiff Eduardo Gonzalez-Gallegos’ Request for
17 the Court to Recommend or Otherwise Direct that the Court’s July 7, 2020 Order is
18 GRANTED. (Doc. 80.)

19 Dated this 12th day of August, 2020.

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24 Honorable Raner C. Collins
Senior United States District Judge